

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 2 3 4 5 6 7 8 9	PENTAIR WATER POOL AND SPA, INC., a Delaware corporation, Plaintiff, v. FIBERSTARS, INC., a California corporation, Defendant.) Case No. C 05-01391 WHA)) PROPOSED ORDER RE: SCHEDULE FOR) CLAIM CONSTRUCTION)))))
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Pursuant to this Court's Order of July 7, 2005, the Parties, after meeting and conferring in good-faith stipulate to, and respectfully submit, the following Schedule for Claim Construction. The Parties note that the proposed schedule, though highly compressed to meet the accelerated date of the claim-construction hearing order by the Court, preserves much of the procedure and timing set forth in the Patent Local Rules. However, the Parties note, and respectfully request that the Court confirm, that the proposed schedule provides that Plaintiff's Reply Brief be filed and served nine (9) days prior to the claims construction hearing, rather than the fourteen (14) days provided pursuant to the Local Patent Rules. This alteration was necessary to ensure that each Party was provided with a fair and reasonable amount of time to analyze each other's respective disclosures and adequately brief the issues for the Court in light of the foreshortening of other Local Patent Rule-specified deadlines which resulted from the expedited hearing date designated by the Court.

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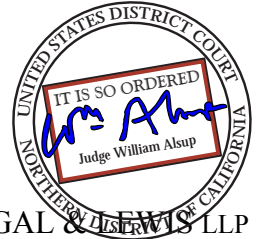
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<u>Due Date</u>	<u>Under the Rules</u>	<u>Pentair's Proposal</u>
Infringement Contentions	Friday, July 22, 2005	Friday, July 22, 2005
Invalidity Contentions	Monday, September 5, 2005	Friday, August 26, 2005 Monday, September 5, 2005
Exchange Proposed Terms	Thursday, September 15, 2005	Wednesday, August 31, 2005 Thursday, September 8, 2005
Disclosure of Extrinsic Evidence to be Relied Upon for Claims Construction (includes expert reports)	Wednesday, October 5, 2005	Wednesday, September 7, 2005 Monday, September 12, 2005
Plaintiff's Opening Markman Brief	Monday, December 19, 2005	Wednesday, September 14, 2005 Monday, September 19, 2005
Tutorial for Court		Wednesday, September 21, 2005
Defendant's Responsive Brief	Monday, January 2, 2006	Friday, September 23, 2005 Thursday, September 29, 2005
Plaintiff's Reply Markman Brief	Monday, January 9, 2006	Wednesday, September 28, 2005 Monday, October 3, 2005
Markman Hearing	Monday, January 23, 2006	Wednesday, October 12, 2005

It is so ordered.
July 22, 2005



Dated: July 22, 2005

Respectfully submitted,

SCHNADER HARRISON SEGAL & LEWIS LLP

By: /S/ Paul N. Tauger
PAUL N. TAUGER
Attorneys for Plaintiff
PENTAIR WATER POOL AND SPA, INC.

Dated: July 22, 2005

HOWREY, LLP

By: /S/ K.T. Cherian
K. T. CHERIAN
Attorneys for Defendant
FIBERSTARS, INC.